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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,053	09/27/1999	RICHARD L. PALINKAS	D-6394	2219

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EXAMINER

SY, MARIANO ONG

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/407,053

Applicant(s)

PALINKAS, RICHARD L.

Examiner

Mariano Sy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-8,10-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-8,10-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of a newly found prior art, U.S. Patent Number 4,566,678, a prosecution of this application is reopened by the examiner with rejections based on the newly found prior art.

2. In the amendment filed on June 13, 2002, Paper No. 15, Applicant attached Figure 2 showing dimensions "OD" from axis (20) to outer edge of ring (62) and "ID" from axis (20) to inner edge of ring (62). Both are incorrect. "OD" stands for outside diameter that should be the outside diameter of the ring (62) and "ID" stands for inside diameter that should be the inside diameter of the ring (62).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 15, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (U.S. Patent Number 4,566,678).

Re-claim 15 Anderson disclosed, as shown in fig. 1-4, a compression spring assembly comprising: a first housing 60 having a bore extending through said first housing; a first load bearing member 62 coupled to said first housing and defining an abutment surface opposite to said first housing; a second housing 40 having a bore

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extending through said second housing, adapted to telescopically receive said first housing; a second load bearing member 42 coupled to said second housing and defining an abutment surface opposite to said second housing; and at least one compression spring 54 in the shape of a toroid positioned within said first housing bore, the toroid (fig. 2) having an outside diameter (measured 2.375 inches) minus an inside diameter (measured 0.625 inch) equal to 1.750 inches which greater than a height (measured 1.50 inches) when positioned in the compression spring assembly.

Re-claim 19 Anderson disclosed, as shown in fig. 1-4, comprising two compression springs positioned within said first housing bore.

Re-claim 20 Anderson disclosed, as shown in fig. 1-4, further comprising a plate 58 positioned between the springs, separating the springs from one another.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 5-8, 10-14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Platkiewicz et al. (US 4,465,799), in view of Curtis et al. (US 5,036,774) and in view of Spencer et al. (US 5,086,707).

Re-claim 1 Anderson disclosed, as shown in fig. 1-4, a compression spring assembly comprising: a first housing 60 having a bore extending through said first

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housing; a first load bearing member 62 coupled to said first housing and defining an abutment surface opposite to said first housing; a second housing 40 having a bore extending through said second housing, adapted to telescopically receive said first housing; a second load bearing member 42 coupled to said second housing and defining an abutment surface opposite to said second housing; and at least one compression spring 54, comprises a solid resilient material, positioned within said first housing bore having a toroidal shape, the toroid (fig. 2) having an outside diameter (measured 2.375 inches) minus an inside diameter (measured 0.625 inch) equal to 1.750 inches which greater than a height (measured 1.50 inches) when positioned in the compression spring assembly.

However Anderson failed to disclose at least one slip lining positioned between said first housing exterior surface and a bore wall defining said second housing bore.

Platkiewicz et al. disclose a low friction slide lining composition and a method of producing the slide lining composition. Curtis et al. disclose a long travel side bearing for an articulated railroad car (see fig. 5 and 6 including spacers 64, 65) and Spencer et al. disclose self adjusting constant contact side bearings for railcars (see fig. 4, including shims 100, 102).

It would have been obvious to one of ordinary skill in the art to have included a slip lining, as taught by Platkiewicz et al., between the first housing and a bore wall defining the second housing bore in order to "improve utilization of slide surfaces" (Platkiewicz et al., col. 1, lines 59-60). Curtis et al. and Spencer et al. provide further motivation to combine Anderson and Platkiewicz et al. Specially, Curtis et al. teach that

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it is desirous to "permit sliding of the top cap member around the sleeve member" (Curtis et al. col. 4, lines 66-68) and Spencer et al. teach that it is desirous to "automatically adjust and compensate for wear between cap and base parts" (Spencer et al. col. 1, lines 57-58).

Re-claim 3 Anderson disclosed wherein the compression spring deforms non-linearly in response to said load imposed on at least one of the first and second abutment surfaces.

Re-claims 5 and 6, see Anderson: col. 2, lines 20-21.

Re-claim 7, see Anderson: Fig. 1-3.

Re-claim 8, see Anderson: fig. 4.

Re-claims 10 and 11, see generally Platkiewicz et al. col. 3, lines 2-6 and col. 1 lines 19-23.

Re-claim 12, see generally Platkiewicz et al. col. 2, line 67, "rubbing pair". Also see MPEP 2144.04. VI.B: "Duplication of Parts", specifically, "the mere duplication of parts has no patentable significance unless a new and unexpected result is produced".

Re-claim 13, see Platkiewicz et al. col. 3, line 63.

Re-claim 14, see Platkiewicz et al. col. 3, line 64.

Re-claim 17, see Anderson, fig. 4.

Re-claim 18, see Anderson, fig. 1-4.

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7. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Platkiewicz et al. (US 4,465,799), in view of Curtis et al. (US 5,036,774) and in view of Spencer et al. (US 5,086,707).

Re-claim 21 Anderson failed to disclose a first slip lining attached to said first housing exterior surface.

Platkiewicz et al. disclose a low friction slide lining composition and a method of producing the slide lining composition. Curtis et al. disclose a long travel side bearing for an articulated railroad car (see fig. 5 and 6 including spacers 64, 65) and Spencer et al. disclose self adjusting constant contact side bearings for railcars (see fig. 4, including shims 100, 102).

It would have been obvious to one of ordinary skill in the art to have included a slip lining, as taught by Platkiewicz et al., between the first housing and a bore wall defining the second housing bore in order to "improve utilization of slide surfaces" (Platkiewicz et al., col. 1, lines 59-60). Curtis et al. and Spencer et al. provide further motivation to combine Anderson and Platkiewicz et al. Specially, Curtis et al. teach that it is desirable to "permit sliding of the top cap member around the sleeve member" (Curtis et al. col. 4, lines 66-68) and Spencer et al. teach that it is desirable to "automatically adjust and compensate for wear between cap and base parts" (Spencer et al. col. 1, lines 57-58).

Re-claim 22, see generally Platkiewicz et al. col. 2, line 67, "rubbing pair". Also see MPEP 2144.04. VI.B: "Duplication of Parts", specifically, "the mere duplication of parts has no patentable significance unless a new and unexpected result is produced".

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Casper (U.S. Patent Number 4,214,738) disclosed a three-dimensional isolation mount.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 703-308-3427. The examiner can normally be reached on Mon.-Fri. from 9:00 A.M. to 3:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Sy
M. Sy

September 8, 2004

[Signature]
JACK LAVINDER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3683

Approved
[Signature]